

HOUSE BILL 1747

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, Part 4 and Title 70, Chapter 4, Part 1,
relative to railroad property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-405, is amended by adding the following as new subsections (d) and (e) and by redesignating the remaining subsections accordingly:

(d) Railroads are exempt from the notice requirements stated in subsection (a) when:

(1) Trespassers are riding trains, locomotives or any equipment owned by railroads.

(2) Trespassers knowingly enter and remain on railroad tracks, right-of-ways, bridges or properties owned by the railroads, other than to pass over the tracks, property, or right-of-way at a public or private crossing.

(e) For the purpose of the defense to prosecution in subsection (b), any entrance by a person onto railroad property is a substantial interference with the owner's use of the property.

SECTION 2. Tennessee Code Annotated, Section 70-4-108, is amended by deleting the language "any public road" and by substituting instead the following language "any public road, railroad tracks, right of ways, bridges and properties used for the operation or trains" in subsection (a).

SECTION 3. This act shall take effect July, 1 2009, the public welfare requiring it.